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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/667,010

09/21/2000

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04/15/2008

EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/667,010	<b>Applicant(s)</b> HANSMANN ET AL.	
	<b>Examiner</b> Aravind K. Moorthy	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the amendment filed on 7 January 2008.
2. Claims 1-15 are pending in the application.
3. Claims 1-15 have been rejected.

### ***Response to Arguments***

4. Regarding the rejection under 35 U.S.C. 112, first paragraph, the Applicant's arguments filed 7 January 2008 have been fully considered but they are not persuasive.

On page 2, the applicant argues that the basis for “split key” (i.e. public key/private key procedures) is found inherently in the specification in terms of its description of the invention.

The examiner respectfully disagrees. The applicant has not provided a definition of “split key”. The applicant argues that the basis for “split key” is public key/private key procedures. The examiner disagrees. When creating a split key, you are asked to set up how many different shares that will be required to rejoin the key. The shares are saved as files either encrypted to the public key of a shareholder or encrypted conventionally if the shareholder has no public key. After the key has been split, attempting to sign with it or decrypt with it will automatically attempt to rejoin the key. There are two ways to rejoin a key, locally and remotely. Rejoining key shares locally requires the shareholders presence at the rejoining computer. Each shareholder is required to enter the passphrase for his or her key share. Rejoining key shares remotely requires the remote shareholders to authenticate and decrypt their keys before sending them over the network. Based on this logic, the examiner maintains the rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1, 11 and 12 have been amended to include the limitations of “the authentication comprising temporary deactivation which adds authorization patterns prior to the operation” and “non split-key”. Neither of these limitations are supported by the specification as originally disclosed.

Any claims not directly addressed are rejected on their virtue of dependency.

***Claim Objections***

6. Claims 1, 11 and 12 are objected to because of the following informalities: omitted word. The examiner asserts that the word “access” should be after the word “unauthorized” in the amended portion of the claims. Appropriate correction is required.

*Allowable Subject Matter*

7. Claims 1-15 are allowed over prior art.

As to independent claims 1 and 11, prior art does not disclose, teach or fairly suggest the devices comprising mobile phones, small computer-controlled consumer devices with relatively low level of computing power, computers, motor vehicles, control terminals for industrial processes, all of which devices may require authentication prior to operation. Prior art does not disclose, teach or fairly suggest the authentication comprising temporary deactivation which adds authorization patterns of progressive hierarchies of access rights to the devices prior to the operation. Prior art does not disclose, teach or fairly suggest establishment of a non split-key link between a personal authentication system supplied with encryption data and a logic system able to control an electronic device control, the encryption data being stored solely in the authentication system, the link between the authentication system and the device being via wired or wireless means. Prior art does not disclose, teach or fairly suggest checking the encryption data in the authentication system prior to operation of the electronic device control. Prior art does not disclose, teach or fairly suggest assignment of a plurality of predetermined means of access to the electronic device control associated with the authentication system the predetermined means providing access to physical hardware resources and access to different software functions, based on the privileges of the user who identified himself to the system, the software function evaluates a security token and is running on top of the physical hardware. Prior art does not disclose, teach or fairly suggest enabling of the means for access predetermined for the authentication system dependent on the result of the check. Prior art does not disclose, teach or fairly suggest the method providing means for protecting the devices

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against unauthorized access by rendering the devices configurable in a user friendly and secure way making them accessible for an individual, customized by a person.

As to independent claim 12, prior art does not disclose, teach or fairly suggest setting basic electronic means of access for operation of devices. Prior art does not disclose, teach or fairly suggest the basic electronic means selected from the group consisting of disable operation of the devices, enable operation of the devices, and enable configuration of the devices. Prior art does not disclose, teach or fairly suggest the operation being controllable by electronic means. Prior art does not disclose, teach or fairly suggest the devices comprising mobile phones, small computer-controlled consumer devices with relatively low level of computing power, computers, motor vehicles, control terminals for industrial processes, all of which devices may require authentication prior to operation. Prior art does not disclose, teach or fairly suggest the authentication comprising a temporary deactivation which adds authorization patterns of progressive hierarchies of access rights to the devices prior to the operation. Prior art does not disclose, teach or fairly suggest establishment of a non split-key link between a personal authentication system comprising a Smartcard supplied with encryption data and a logic system able to control an electronic device control; the link being made without need for intermediate software layers. Prior art does not disclose, teach or fairly suggest the encryption data being stored solely in the authentication system. Prior art does not disclose, teach or fairly suggest reading at least one of the following features embodied within the authentication system: firmware programs, device-specific command sequences for execution of specific device-specific functions, cryptographic keys, cryptographic algorithms, and individual decision-making logic. Prior art does not disclose, teach or fairly suggest checking the encryption data in the

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authentication system prior to operation of the electronic device control. Prior art does not disclose, teach or fairly suggest configuring the devices by authorized persons, wherein after successful authentication, device-specific configuration data are downloaded into the devices from the authentication system in accordance with the authentication systems or over a network. Prior art does not disclose, teach or fairly suggest assignment of a plurality of predetermined means of access to the electronic device control associated with the authentication system. Prior art does not disclose, teach or fairly suggest the predetermined means providing access to physical hardware resources and access to different software functions. Prior art does not disclose, teach or fairly suggest based on the privileges of the user who identified himself to the system, the software function evaluates a security token and is running on top of the physical hardware. Prior art does not disclose, teach or fairly suggest the predetermined means of access being dependent upon the level of authorization that is set in the personal authorization system. Prior art does not disclose, teach or fairly suggest enabling of the predetermined means for access for the authentication system dependent on the result of the check. Prior art does not disclose, teach or fairly suggest the method providing means for protecting the devices against unauthorized by rendering the devices configurable in a user friendly and secure way making them accessible for an individual, customized use by a person. Prior art does not disclose, teach or fairly suggest that the basic means of access to functions of the device comprise at least one of the following means: disable operation of the devices, enable operation of the devices, or enable configuration of the devices.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/  
Examiner, Art Unit 2131

/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2131